In re application of:	Confirmation No.: 6756
PHILLIPS *et al.*	Art Unit: 2626
Appl. No.: 10/017,435	Examiner: Wozniak, James S.
Filed: December 14, 2001	Atty. Docket: 2222.0820003
For: **Voice Application Development Methodology**	

Arguments to Accompany the Pre-Appeal Brief Request for Review

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Commissioner for Patents
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Sir:

Applicants hereby submit the following Arguments, in five (5) or less total pages, as attachment to the Pre-Appeal Brief Request for Review (Form PTO/SB/33). A Notice of Appeal is concurrently filed.

Arguments

In the Advisory Action dated March 8, 2010 ("Advisory Action"), the Examiner entered the Amendments of February 12, 2010, and withdrew the outstanding objection and the rejections under 35 U.S.C. §§ 101 and 112, first paragraph. Only the rejections under 35 U.S.C. § 103(a) remain on Appeal. The Appeal is from the Final Office Action dated December 7, 2009 ("Office Action").

The Examiner has maintained the rejection of claims 1, 3-11, 16-24, and 36-45 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,173,266 to Marx et al. ("Marx") in view of U.S. Patent No. 6,182,045 to Kredo et al. ("Kredo"). The Examiner has further maintained the rejection of claims 2 and 12-15 under 35 U.S.C. § 103(a) as being allegedly obvious over Marx in view of Kredo and further in view of U.S. Patent No. 5,915,001 to Uppaluru ("Uppaluru"). Applicants respectfully traverse.

Claim 1 recites, *inter alia*, "developing a specific voice application utilizing at least one generic software component in a development environment, ***wherein the specific voice application accesses a generic dialog asset from a remote central repository via a remote***

- 2 -

PHILLIPS *et al.*
Appl. No. 10/017,435

repository interface" and "deploying the specific voice application in a deployment environment located on a deployment platform separate from a development platform running the development environment, *wherein the specific voice application accesses the generic dialog asset from the remote central repository*, and wherein the deployment environment provides remote-streaming runtime access to the remote central repository."

There is no teaching, suggestion, or motivation in the references that would lead one of ordinary skill in the art to modify Kredo to provide its "audio server" in both a development and deployment environment. Moreover, Kredo does not teach, suggest, or even mention a development environment. Modifying Kredo to support an "audio server" available to both a development environment and a deployment environment would render Kredo inoperable for its intended purpose, which is to provide "a universal access method and system for the *maintenance of audio announcements*." (Kredo, col. 1, ll. 50-51). Any such modification would wrest control of the "audio server" from a maintainer of the Kredo system, and would bestow this control upon a developer, which is nowhere to be found in Kredo.

In responding to this argument, the Examiner indicates that Kredo "shows that an IVR development/deployment system that consists of various platforms. [sic]" (Office Action, p. 4). The Examiner's reference to FIG. 2 in the Office Action is understood to mean FIG. 1, the only figure, of Kredo. The Examiner states that "the IVR system components can be designed at the Element 12 terminal (Col. 3, lines 8-32)." (Office Action, p. 4). This referenced section of Kredo relates to the ability of an administrator to "administer and edit audio files on server 20." (Kredo, 3:8-32).

In response, Applicants note that the ability to administer and edit audio files on the server of Kredo is not akin to "the specific voice application access[ing] the generic dialog asset from the remote central repository" while part of either the development environment or the deployment environment. Even assuming, arguendo, that the terminal of Element 12 in Kredo is analogous to a development environment, to which Applicants do not acquiesce, it is not the same "specific voice application" which is "access[ing] the generic dialog asset from the remote central repository," as recited in claim 1. It would therefore be impossible to use the teachings of Kredo, in combination with Marx, to obtain the features recited in claim 1.

- 3 -

PHILLIPS *et al.*
Appl. No. 10/017,435

Marx does not supply the missing teaching or suggestion. Specifically, the combination of Marx and Kredo does not teach or suggest, at a minimum, "developing a specific voice application ... in a development environment ... configured to access a generic dialog asset from a remote central repository," where the "specific voice application configured to access the generic dialog asset from the remote central repository" is "deploy[ed] ... in a deployment environment *located on a deployment platform separate from a development platform*," as recited in claim 1

Marx is directed to "customiz[ing] the features of a Service ... which allows the developer to change the parameters (and behavior during execution) of the Service without having to recompile the service." (Marx, col. 17, ll. 44-48). Marx further states that "features can be customized through runtime application programming interfaces contained within the dialog modules." (Marx, col. 17, ll. 48-50). The Examiner appears to argue, to which Applicants do not acquiesce, that by placing these modules on an external server, such as the "audio server" of Kredo, the references teach or suggest the usage of a "remote central repository" as in claim 1. However, there is clearly no teaching or suggestion of a "deployment platform separate from a development platform" in the combination of Marx and Kredo.

Nowhere does the combination of Marx and Kredo teach or suggest a "*specific voice application* configured to access a generic dialog asset from a remote central repository" in *both* a development environment and a deployment environment "located on a deployment platform separate from a development platform," as recited in claim 1. The Examiner must show a teaching or suggestion that a "specific voice application" is configured to perform the access from both a development and deployment environment. The Examiner has failed to make such a showing. He has therefore failed to establish a prima facie case of obviousness at least on this ground.

The above-referenced section of Marx appears to suggest that any development and deployment occurs within the same environment. Merely moving the modules to the "audio server" of Kredo does not remedy this deficiency. Any modules in Marx available during the development or deployment thereof are the same modules in both cases, even if they could be stored remotely in light of Kredo. However, it is clearly not the case that Marx and Kredo teach or suggest access to a same remote central repository from both a development environment and

- 4 -

PHILLIPS *et al.*
Appl. No. 10/017,435

a deployment environment "located on a deployment platform separate from a development platform," as recited in claim 1.

In the Advisory Action, the Examiner argues that "Kredo overcomes the deficiencies by teaching the concepts that voice application assets (such as a prompt) may be accessed from a central repository (Fig. 1, Elements 12, 18, 20, 22; Col. 2, Lines 50-61; and Col. 3, Lines 8-32)," and adds that "Kredo specifically notes that the audio prompt files are accessible by a developer (Col. 3, Lines 8-32) and can be fetched 'from the audio server 20 in real time as needed' (Col. 3, Lines 33-58)." (Advisory Action, p. 2). Applicants reiterate that, even with attention to this particular behavior of Kredo, there is no teaching or suggestion of a *"specific voice application* configured to access a generic dialog asset from a remote central repository" in *both* a development environment and a deployment environment "located on a deployment platform separate from a development platform," as recited in claim 1. The "administrative update station 12" of Kredo, if assumed arguendo, for example, to be the development environment, and the "IVR system 22" of Kredo, if assumed arguendo, for example, to be the deployment environment, are not both running the "specific voice application" of claim 1. The inconsistency of the Examiner's analogy fails to find any teaching or suggestion in Kredo, either alone or in combination with Marx, of the claimed behavior of the "specific voice application" in both a development and a deployment environment.

For at least the aforementioned reasons, independent claim 1 is patentable over the combination of Marx and Kredo. Claims 37, 38, 39, 40, 43, and 44 recite analogous features, using respective language, to the aforementioned features of claim 1, and are likewise not rendered obvious by the combination of Marx and Kredo for at least the same reasons as claim 1, and further in view of their own respective features. Claims 3-11, 16-24, 36, 41, 42, and 45 depend from one of the aforementioned independent claims, and are likewise not rendered obvious by the combination of Marx and Kredo for at least the same reasons as above, and further in view of their own respective features.
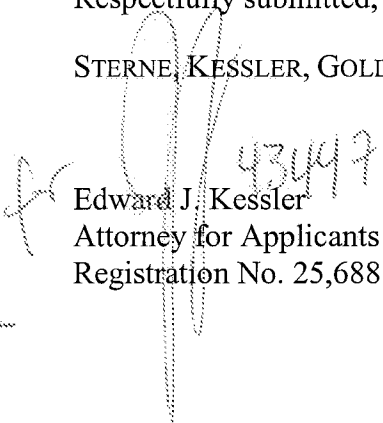
Further with regard to claim 1, Uppaluru does not supply the missing teachings or suggestions, and is not used by the Examiner in formulating a rejection regarding the features of claim 1. Accordingly, claim 1 is patentable over the combination of Marx, Kredo, and Uppaluru. Claims 2 and 12-15 are therefore not rendered obvious by the combination of Marx, Kredo, and

- 5 -

PHILLIPS *et al.*
Appl. No. 10/017,435

Uppaluru for at least the same reasons as claim 1, from which they depend, and further in view of their own respective features.

Reconsideration and withdrawal of the rejection of claims 1-24 and 36-45 under 35 U.S.C. § 103(a) is therefore respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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